



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

March 13, 2014

By Hand and E-mail

Stanley L. Cohen, Esq.
The Law Firm of Stanley Cohen
& Associates, LLC
119 Avenue D, 5th Floor
New York, New York 10009

Re: United States v. Abu Ghayth
S14 98 Cr. 1023 (LAK)

Dear Mr. Cohen:

Please find attached a copy of the responses provided by Guantanamo Detainee Khalid Sheikh Mohammed to the questions that were drafted by you and propounded to him on or about February 27, 2014, pursuant to the Court's order dated February 19, 2014. Government personnel have determined that no portions of the responses are classified, and thus the responses are being provided to you without redaction. Please be advised that the Government's decision not to redact any portion of the responses is not an indication that the Government believes the responses are relevant to the issues raised in the above-referenced case. To the contrary, undersigned counsel contends that portions of the responses bear no relevance, or marginal relevance, to the issues at hand. However, as the responses are unclassified, the Government is providing them to you in full.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tara M. La Morte", is written over a horizontal line.

TARA M. La MORTE
Assistant United States Attorney

EXHIBIT A

EXHIBIT B

In the name of Allah, the Compassionate, the Merciful

Praise be to Allah

To Whom It may Concern,

I received the set of questions from the lawyer for Sulaiman Abu Ghayth (Allah preserve him) consisting of 34 pages and 451 questions. It reminded me of the interrogations at the Black Sites and the questions from the dirty team at Guantanamo.

I will not answer all of the questions because I have doubts about the goal behind some of them. Because of time constraints, the impending trial, and the fact that these questions – like all interrogation questions – are similar to one another and repeat the same question in a different way, I won't constrain myself to the same format. My answers will be in paragraph form instead, covering most of the subjects.

I want to help my brother, Sheikh Sulaiman Abu Ghayth (Allah preserve him) but – as I have mentioned before to my attorney – only if the request comes from him and not from the lawyer. My answers are according to the best of my knowledge and beliefs about him.

I want to inform Sheikh Sulaiman Abu Ghayth's lawyer that I suspect the U.S. government has a hand in these questions because they correspond precisely with the way the CIA and FBI posed questions. I may be right or wrong in this assumption, but I feel that most of the questions do not serve the interests of his client or anyone for that matter; yet they are primarily directed to me. Therefore, he should know in advance that I will not agree to give any video or audio recorded testimony at the request of the government or the defense. These answers should suffice.

There are extensive areas about which I have no knowledge because of the nature of my work with Al-Qaeda during which I held many different positions during different periods of time and under different conditions. Therefore, my answers in these areas will be based upon my general knowledge.

For instance, in the case of all the questions about the training camps, I do not have any information on them during this period because I was appointed by Sheikh Osama bin Laden (Allah have mercy upon him) as head of operations abroad, meaning all the jihadist operations conducted outside of Afghanistan. It was administrative work consisting of receiving trained operators from the military officials such as Sheikh Abu Hafs Al-Masri or Sheikh Osama bin Laden (Allah have mercy upon them) without getting involved in training matters. The candidates for operations were sent to me and I had other means of training them apart from the well-known camps. I did not need the camps to prepare my men because of the nature of the special operations that were conducted outside Afghanistan.

EXHIBIT B

My personal acquaintance with Sheikh Sulaiman Abu Ghayth

- He was an imam and the Friday sermon speaker at one of the mosques in Kuwait (to the best of my knowledge)
- He is a pious man and has memorized the Holy Qur'an in its entirety.
- Generally speaking, the Mujahideen respected all the Imams or Sheikh hs and afforded them opportunities to give lectures at any time.
- I first came to know him through audiocassette tapes of Friday sermon prayers. These cassette tapes were widely distributed among the people and in Islamic libraries.
- He did not play any military role and to the best of my knowledge he did not receive any military training at any of the training camps for the Mujahideen in Afghanistan.
- I do not recall that I ever met him or saw him at a training camp considering my limited visits to the training camps during that period of time.
- He did not know me by any name other than the one I was using in Afghanistan (Mukhtar Al-Balushi) so he never knew my real name: Khalid Al-Shaikh or Khalid Shaikh Mohammad. I think that Sheikh Sulaiman Abu Ghayth (Allah preserve him) learned my real name through the media after my arrest, just as I learned real name of Abu Hafs Al-Masri (Allah have mercy upon him) through the media after he was killed. Allah only knows.

EXHIBIT B

The relationship between Al-Qaeda and the government of the Islamic Emirate of Afghanistan.

Al-Qaeda and the Arab Mujahideen who sacrificed their blood, souls, and money for the victory of the Afghan people were part of the people who partnered with them to defeat and expel the Russian forces in the previous war. The Mujahideen, regardless of their ethnic or organizational affiliation had the own activities, whether it be involvement with the military, charitable institutes, or relief organizations.

At that time, during that particular war, the U.S. government was against the Russian forces for political and strategic reasons of their own. Thus they gave their proxies in the Arabian Peninsula countries the green light to flood the Afghan Mujahideen with money, resources, and Arab fighters; and they also opened the doors for merchants and businessmen to donate money without conditions or restrictions. The selfishness and stubbornness of Uncle Sam pushed the U.S. government to flood their agent, the Pakistani Inter-Services Intelligence (ISI), with millions or billions of dollars in order to defeat the Russian Army by supporting the Afghan Mujahideen. This indirect support was the principle cause of the development of the non-Afghan groups and organizations in Afghanistan and their ability to achieve what they desired without any security pressures imposed by U.S. allies such as Pakistan, Saudi Arabia, and other countries around the world. They never supported the non-Afghan groups directly with money or weapons, but by allowing absolute freedom for young people to spend their own money and take advantage of the open land contributed to attaining these achievements. In the end, Uncle Sam destroyed his own country by his own hand with his stupid foreign policy.

It was in this climate of complete inattention from the West that the groups in Afghanistan were able to develop their capabilities. The countries in the West were busy settling scores with the Russians and licking their chops over Mujahideen victories, and for the most part remained completely blind to what was happening in the camps and on the non-Afghan Mujahideen front.

When the Mujahideen prevailed and the Russians withdrew, the Americans awoke from their state of inattention; but it was too late. The American media had not yet used terms such as "foreign fighters" or "Afghan Arabs" or "terrorists" or even "the Afghan resistance", rather the fixed term in the Western media policy at that time was "Mujahideen". CNN, BBC, Reuters, France Press were all united in using the term "Jihad" to describe the Afghan resistance and "Mujahideen" to describe the fighters, whether Afghan or Arab, and the term "martyrs" for those among them who were killed.

All of this was to impart international legitimacy on the Western and Islamic support for the Mujahideen in an effort to limit the expansion of the Red Bear and prevent it from obtaining a warm-water port. At the time, Jihadist speeches were accepted and even

supported and applauded by the West because they mirrored their strategic interests. Speeches by Sheikh Abdullah Azam or Sheikh Tamim Al-Adnani or addresses by Sheikh Osama bin Laden (Allah have mercy upon them) were accepted by the West. Every one of them was able to move freely from north to south and from east to west in the country.

If Sheikh Sulaiman Abu Ghayth (Allah preserve him) had given speeches at that time and collected money and incited people in mosques in New York or Brooklyn to go join the Jihad in Afghanistan to kill the Russians and the Afghan soldiers, no one would have prevented him or arrested him. In fact, they would have described him as a Mujahid and called him a hero. However, he was not part of that fabric and did not participate in Jihad at that time.

Western hypocrisy became apparent when these same Arab Mujahideen started supporting their Muslim brothers in Chechnya against Russian occupation or when they set off to Bosnia to help their Bosnian brothers prevail against the savage brutality of Serbian attacks.

It was then that the term changed from "Mujahid" to "terrorist" and from "Jihad" to "terrorism". It was as if the Russians who occupied Afghanistan were not the same Russians who occupied Chechnya or support for the Bosnians was not the same as support for the Afghans. It was as if the charges of conspiracy, material support to terrorism, and killing civilians did not apply to killing Russians and Afghan soldiers and incurring civilian casualties in Afghanistan; but after the Russian defeat, they became charges affixed to anyone who practiced the same Jihad or self-defense or defense of the oppressed in a place or manner incompatible with Western strategic interests.

When the West under U.S. leadership had achieved its goals in Afghanistan, and the Russians had withdrawn leaving the Mujahideen victorious, they left behind them a mass of warring Afghan factions and focused on clearing the Arabs out of the area. Thus began a campaign of mass arrests and deportations to Pakistan.

But it was too late because some of the organizations had become a part of the Afghan people. As for Afghanistan itself, the West did not support the Afghan organizations in order to bring about peace, prosperity, and security in Afghanistan. The U.S. proxies in the ISI under American control foiled every attempt to reconcile or integrate the various Afghan organizations. Every time they saw a strong leader or an organization, they supported him in order to split his organization off from the others. They split the group Hezb Al-Islami Hekmatyar into two parties – one by the same name and one by the name Hezb Al-Islami Younis Khalis and so on.

All of that was done to ensure that even if the Mujahideen prevailed and expelled the Russians they would be left powerless and Afghanistan would remain dependent on Pakistan, India, Iran, or Tajikistan, just as the West desired. But when the pillaging, looting, killing, rape, and gang violence spread and security in Afghanistan disappeared, the people were compelled to revolt, and an appropriate movement for change emerged

from the south of Kandahar. Thus the Taliban movement came on the scene and spread like wildfire. They did not meet any resistance from anyone as each Afghan province fell to them one after the other. The people welcomed them, having grown weary and desperate from the deteriorated security situation; and it was only a few months before they entered Kabul and declared an Islamic Emirate of Afghanistan.

Security finally prevailed in the cities of Kabul, Kandahar, Jalalabad, etc. to the extent that they become even more secure than American cities such as Chicago, New York, Dallas, and Los Angeles. The peace in which the people lived became almost engraved in the heart of each Afghan person and will never leave the memory of the Afghan people or the history of Afghanistan until judgment day. By the admission of the United Nations, the Islamic Emirate of Afghanistan was able to stop drug cultivation in the entire country for the first time in over 200 years.

A traveler could travel from the south of the country from Jalalabad to Kabul then go west to Kandahar and turn north to Herat without being robbed. Moreover, shops and crowded markets did not close their doors during prayer times. A storeowner could safely leave his store open to go perform his prayers in the mosque, and he would come back knowing that nothing would be missing from his merchandise. Sometimes, he would find money left on the table by someone who purchased something and left. Such stories had spread in the Islamic world while the hypocrite West besieged Afghanistan from every side, preventing the Afghan airline from flying, and putting pressure on Pakistan to halt support and close the roads.

Even with all that, the price of cars in Afghanistan was three times cheaper than what they cost in Pakistan, and the fuel was much cheaper there as well. The curiosity of some sheikhs, scholars, and other Muslims grew, prompting them to come to Afghanistan and confirm for themselves the glowing stories they had heard about the great turning point in the Islamic Emirate of Afghanistan from a state of bandits, crime, killing, and narcotics to a state of security and peace.

That was a momentous turning point in the history of the Islamic movements since the fall of the Islamic Caliphate. It constituted a turnaround in which Islamic Sharia law would rule, far removed from subordination to colonial powers and without appeasing or making concessions to the secularists in the country. With total success in removing the differences between different nationalities and ethnicities, Afghanistan, under the leadership of the Emir of the Believers, Mullah Omar (Allah preserve him) was the first Islamic state that treated all Muslim men equally, whether they be Chinese, Indian, Chechnyan, Arabs, or Westerners. This motivated some Muslim scholars, preachers, and regular Muslims to travel to Afghanistan to confirm what was being told about this unique experience and to learn from it. Moreover, some moved with their families to live there and to escape the religious persecution they faced in their countries. They wanted to live in peace and observe their religious practices. An example of this was the Uighurs and people from Myanmar. Many also came from Iraq to escape Saddam, along with numerous people from other

countries. Some even came from the West with their families to live in peace in a land governed by Islam

Even though the existence of Jihadist groups and their camps predated the Islamic Emirate of Afghanistan, the government did not bother them or their camps because they were associated with the Ministry of Defense and aided the state against the Northern Alliance. This is how complications arose for some analysts. Is every non-Afghan Arab Muslim a member of Al-Qaida? Or has everyone in Guantanamo fought against the Americans? The U.S. government intentionally fosters these misconceptions in order to achieve its goal. Many dignitaries visited Afghanistan including Sheikh Abdullah Al-Turki, the Saudi Minister of Islamic Endowments; Sheikh Yusif Al-Qardawi, head of the Islamic Scholars Association; the Grand Mufti of Egypt at the time, Sheikh Farid Wasil; the head of the Sharia courts in Qatar, Sheikh Thaql Al-Shammari, Dr. Ali Al-Qaradaghi; the thinker Fahmi Huwaidi, and other scholars from Pakistan such as Al-Mawlawi Nizam Al-Deen Shanzi; the head of the Pakistani Council for Observing the Crescent, Al-Mawlawi Abdallah Ghazi; and his son, Al-Mawlawi Abd-Al-Rashid Ghazi. There were other types of visits from Emirs from the United Arab Emirates to practice the sport of falconry. They would travel to Kandahar in their private jets.

Some visitors of every type met members of the government of the Islamic Emirate of Afghanistan and some even visited the Mujahideen camps if they were considered trustworthy from a security point of view. That does not mean that anyone who visited a Mujahideen camp or gave a lecture was a member of the group or agreed with their ideology. During the school vacations in the Arab peninsula, Kandahar would be filled with visitors, but that doesn't mean that anyone who gave a lecture in the Mujahideen guesthouses planned military operations. It was commonplace for visiting scholars at these camps to give religious lectures warning them against radicalization, unlawful killing, and "takfir" – the act of declaring someone an infidel. Such visitors would return back to their countries after their vacations were over.

EXHIBIT B

The Media and Abu Ghayth

Sheikh Osama bin Laden (Allah have mercy upon him) appointed me to serve as head of the As-Sahab Foundation for Media Publication, the media front for Al-Qaeda, for a period of time.

Al-Qaeda's media policy in its war against the enemy occupiers is clear and appropriate to the nature of the war. It is a war of attrition since we are not confronting our enemies in conventional warfare due to the lack of balance between the two sides and the asymmetrical nature of the conflict.

The enemy occupier of the Islamic World is a super power with millions of soldiers and a budget of billions while we are a small organization whose members are limited in numbers and capabilities. There is no comparison between the two sides, so it is obvious that we would have to resort to a long war of attrition to which the military and media alike contribute. Anyone who reviews the history of our publications and compares them to the events that happened before, during, and after September 11th knows this very well. The U.S. government canceled some joint military maneuvers in Jordan and closed some embassies in the period of time before 9/11 as a result of some media publications, some leaked news, the release of some simple clips of a speech by Osama bin Laden, and the publication of the video "Destroying the Destroyer" at that time as well as the appearance of pictures of Mujahideen camps and their military training.

All this was not in vain because, while the enemy has capabilities that we do not possess, we have the same mental capacity Allah gave to all; and while they use their muscles, we use our minds. Sheikh Osama (Allah have mercy upon him) was very wise in every order he gave us; all of this was part of our media policy to achieve our strategic goals of exhausting our enemy's efforts, capabilities, and financial assets to the greatest extent possible. Every state of emergency declared and every change of alert level that inflicts specific procedures on the military and civilian sectors costs the country millions of dollars. It is enough that the U.S. government has incurred losses upwards of a trillion dollars in the wars it has waged in the aftermath of 9/11, the bleeding of which continues to this day.

As for the question about whether every person tasked with making statements know the purpose behind them, the definitive answer is that those commissioned with playing a role in the media, such as reporting on letters or speeches, do not know the extent of them or what is behind them or that this is only a war of attrition. The operations which the leadership intends to undertake and the plans for them are known only to the leader of the operation and the military and security officials involved; those carrying out the operations are not privy to the specific plans until the goal or the time of the operation approaches for fear that the operation will be botched or miscarried.

EXHIBIT B

Perhaps there is another reason for a person to be tasked regardless of his affiliation and that is the rhetorical ability of the person or the strength and discipline of his speech or his literary fortitude – especially if he is an eloquent, spellbinding speaker. Perhaps that is one of the reasons why Sheikh Sulaiman Abu Ghayth was commissioned for this mission.

EXHIBIT B

List of Names

There were a number of lists of recorded names in addition to cards, IDs, and charts located in different places, either houses or other places around Pakistan and Afghanistan.

You should know that most of the Arab families had alternate sources of income. Some of them practiced business while others did fulltime work to support the Islamic Emirate of Afghanistan whether it be as teachers, engineers, Mujahideen, or those who cooperated with the Ministry of Defense.

There were wealthy philanthropists who would send donations through various means according to the number of groups in a given area of Afghanistan. There were Arab communities of non-Afghans in Jalalabad, Khost, Kabul, Herat, Kandahar, and so on; so there was not a single, fixed system for dispersing funds, especially the expenses and financial guarantees distributed by Al-Qaeda to its beneficiaries. It did not limit its members, families, and sympathizers, rather it gave freely to all needy families, regardless of their loyalties or affiliation, for two reasons: one, because it was a religious obligation ordering them to consider all the needy equally and fairly and without discriminating between them; and two, because it was a requirement for many donors to not limit funding to any particular category of people but to give to all those who needed it. There were tables and charts and lists of names of families who received aid and these lists did not delineate the affiliation of the person on record. At one point the Islamic Emirate of Afghanistan was trying to keep track of the number of Arabs and arrivals from abroad, so there were permits and cards to facilitate their legal dealings. Many of the Arab brothers had lost their legal papers, travel visas, and all their official documents; so some of the groups tried to make lists of names of everyone who wanted to obtain Afghan ID cards without distinguishing between groups, or for anyone who needed one.

EXHIBIT B

"Brevity" Cards

One of the problems the Islamic Emirate of Afghanistan suffered from as a result of the oppressive sanctions imposed by the U.S. and its regional allies was that it did not have an effective wired communication network while a mobile phone network was completely non-existent.

Thus, many Arab families and others would resort to using wireless radios or walkie-talkies. Since wireless radio networks are open to all, it was necessary to arrange a schedule and codes to organize most of those using these devices whether they be Arabs or Afghans in order to prevent overlapping signals and interference and to facilitate communications, as well as save power on these devices considering all the different channels being used during times of heavy communication.

Accordingly, these cards were put into use because they included most of the important facilities such as hospitals, workshops, schools, or other codes written on the chart along with a list of people who used them. This was not limited to Al-Qaeda or Arabs. One studying the cards would find that they are not related to Al-Qaeda members alone, but also contain names of Taliban members and others.

When the Americans bombed the city of Kandahar and the number of killed and wounded was mounting, it became necessary to add appropriate terms in light of the bombings. In Kandahar there was no front line of battle since the U.S. forces contented themselves with intense air strikes and wireless communication networks were used to transport the injured and evacuate families from homes that had been bombed. Thus, it was necessary to adopt appropriate codes for those situations.

EXHIBIT B

Leaving Afghanistan

When the U.S. invasion commenced in October of 2001 and the number of people killed or injured began to rise, and when the Emir of the Believers, the president of the Islamic Emirate of Afghanistan (Allah preserve him), decided to preserve the blood of civilian from the worst of the attacks, the order came for all Arab families to leave the country entirely. The defense strategy of the Islamic Emirate of Afghanistan changed and a guerilla war began against the occupying crusader forces in the country. They did this in order to prevent mass civilian casualties due to the intense air strikes in the cities.

So the non-Afghan families began to leave Afghanistan and I personally oversaw all the families leaving Kandahar for Pakistani Baluchistan. There were many different families from all the Afghan provinces and each area had a specific exit route. All the Arab families were dispersed throughout Jalalabad, Herat, Khost, Kandahar, and other cities and there was no fixed system for removing the families; however high priority and concern was given to the aged and the newly arrived, due to their unfamiliarity with the language and the country which prompted the Sheikhs to make specific and general provisions for them. Sheikh Sulaiman Abu Ghayth was not included in the list of families from Kandahar because his family was not with him; they were in Kuwait.

EXHIBIT B

Sheikh Sulaiman Abu Ghayth and 9/11

Sheikh Sulaiman Abu Ghayth played no role whatsoever in 9/11, either big or small. Nor did he have any knowledge of 9/11 beyond what all the Mujahideen in Afghanistan knew, which was that there was an impending operation that would be big. But where, when, how, and what the target would be was known only to Sheikh Osama bin Laden, his deputies, his military officials, and the operators.

Even some of the individuals who helped by sending money or buying necessities for the operators did not know about the operation or the details about it. Even with the communications between them and the operators, I did not apprise them of the details of the operation so they did not know the time, targets, or any other details until I called them and told them to leave the U.A.E. because the operation was imminent.

As I mentioned on page two, Sheikh Sulaiman Abu Ghayth never played any military role. He was only an Imam, one who gave sermons and prayers, one who had memorized the Qur'an and was an eloquent and well-spoken preacher. But the U.S. government is stricken with 9/11 hysteria so it suspects even foreign heads of state and monitors their phone calls and communications. In the same way, it wants to arrest, kill, and torture everyone whom Sheikh Osama bin Laden had ever met or trusted.

Bayat

Bayat is an oath taken by a member in the introductory phase obligating him to hear and obey [the one to whom he has sworn] as long as the orders do not contradict Islamic principles.

There is no specific rite or ceremony to swear bayat. The swearer has only to extend his hand to Sheikh Osama bin Laden and say a few words expressing his willingness to be obedient and undertake migration and jihad for the sake of Allah.

There is no one in Al-Qaeda whose mission it is to give speeches pushing people to swear bayat. I myself was one of the ones who worked with the Sheikh, was responsible for media production, and attended Shura meetings with him but did not swear bayat to him. He never once spoke to me about swearing bayat because he knew me well and trusted me. Then one day I swore bayat to him on my own without anyone pushing me to do so. Swearing bayat to the president of the Islamic Emirate of Afghanistan, the leader of the faithful, Mullah Omar was mandatory; whereas swearing bayat to Sheikh Osama bin Laden was not.

The United States tries to fabricate charges against innocent people, saying they swore bayat or incited others to do so. Swearing bayat does not mean that a person is placed on a list to carry out an operation; even the cook has sworn bayat.

As for the question of whether I saw Sheikh Sulaiman Abu Ghayth giving lectures or participating in activities to push Arab Mujahideen to swear bayat to Sheikh Osama bin Laden, the answer is no. To tell the truth, I do not even know if Sheikh Sulaiman Abu Ghayth personally swore bayat to Sheikh Osama bin Laden or not.

EXHIBIT B

Sheikh Sulaiman Abu Ghayth and the Shoe Bomb Operation

I personally never spoke with Sheikh Sulaiman Abu Ghayth about the Shoe Bomb Operation. As I mentioned before on page two, Sheikh Sulaiman Abu Ghayth was not a military man and had nothing to do with military operations. Also, as I mentioned on page seven, those tasked with giving statements to the media do not necessarily know all the details of an operations and are sometimes even unaware of the very existence of the operation. I do not recall ever seeing Sheikh Sulaiman Abu Ghayth with my brother Abdul-Jabbar (Richard Reed, Allah preserve him).

EXHIBIT B

EXHIBIT D

UNCLASSIFIED

Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024

OPENING

REPORTER: On the record

RECORDER: All rise.

PRESIDENT: Remain seated and come to order. Go ahead, Recorder.

RECORDER: This Tribunal is being conducted at 1328 March 10, 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:
Captain [REDACTED], United States Navy, President
Lieutenant Colonel [REDACTED], United States Air Force, Member
Lieutenant Colonel [REDACTED], United States Marine Corps, Member
Lieutenant Colonel [REDACTED], United States Air Force, Personal Representative
Language Analysis [REDACTED]
Gunnery Sergeant [REDACTED], United States Marine Corps, Reporter
Lieutenant Colonel [REDACTED], United States Army, Recorder
Captain [REDACTED] is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All Rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Colonel [REDACTED] solemnly swear that you will faithfully perform the duties as Recorder assigned in this Tribunal so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you Gunnery Sergeant [DELETED] swear or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal so help you God?

REPORTER: I do.

PRESIDENT: The Translator will be sworn.

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UNCLASSIFIED

EXHIBIT D

UNCLASSIFIED

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Translator in the case now in hearing so help you God?

TRANSLATOR: I do.

PRESIDENT: We will take a brief recess now in order in to bring Detainee into the room. Recorder note the date and time.

RECORDER: The time is 1:30 pm hours on 10 March 2007. This Tribunal is in now in recess. [The Tribunal recessed at 1330, 10 March 2007. The members withdrew from the hearing room.]

CONVENING AUTHORITY

RECORDER: All Rise.
[The Tribunal reconvened and the members entered the room at 1334, 10 March 2007.]

PRESIDENT: This hearing will come to order. Please be seated.

PRESIDENT: Before we begin, Khalid Sheikh Muhammad, I understand you speak and understand English. Is that correct?

DETAINEE: [Detainee nods his head in affirmative].

PRESIDENT: Alright. Are you comfortable in continuing in English or would you like everything translated in Arabic?

DETAINEE: Everything in English but if I have a problem the linguist will help me.

PRESIDENT: We will proceed in English. If you indicate to me that you would like something translated we will go ahead and do that. Alright?

PRESIDENT: This Tribunal is convened by order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 22 February 2007.

PRESIDENT: This Tribunal will determine whether Khalid Sheikh Muhammad meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

OATH SESSION 2

PRESIDENT: The members of this Tribunal shall now be sworn. All rise.

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EXHIBIT D

UNCLASSIFIED

RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience, and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice so help you God?

TRIBUNAL: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal so help you God?

PERSONAL
REPRESENTATIVE: I do.

PRESIDENT: Please be seated.

PRESIDENT: The Recorder, Reporter, and Translator have previously been sworn.

EXPLANATION OF PROCEEDINGS

PRESIDENT: Khalid Sheikh Muhammad, you are hereby advised that the following applies during this hearing:

PRESIDENT: You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing, and the Tribunal will continue to hear evidence in your absence.

PRESIDENT: You may not be compelled to testify at this Tribunal. However, you may testify if you wish to do so. Your testimony can be under oath or unsworn.

PRESIDENT: You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present.

PRESIDENT: You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may question witnesses testifying at the Tribunal.

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EXHIBIT D

UNCLASSIFIED

PRESIDENT: You may examine documents or statements offered into evidence other than classified information. However, certain documents may be partially masked for security reasons.

PRESIDENT: Khalid Sheikh Muhammad, do you understand this process?

DETAINEE: Yes. If I have question can I ask you?

PRESIDENT: Yes, you may.

DETAINEE: About the testimony which I ask about the witnesses.

PRESIDENT: Yes, I'm going to address the witnesses shortly. So, if you will bear with us I will take that up in a few moments.

DETAINEE: Okay.

PRESIDENT: Do you have any questions concerning the Tribunal process?

DETAINEE: Okay by me.

PRESENTATION OF UNCLASSIFIED INFORMATION

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

PERSONAL
REPRESENTATIVE: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

PRESIDENT: Alright, the Tribunal has received Exhibit D-a that indicates the Detainee wants to participate in the Tribunal and wants the assistance of the Personal Representative.

RECORDER PRESENTS UNCLASSIFIED

PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified summary of the evidence that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal

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UNCLASSIFIED

EXHIBIT D

UNCLASSIFIED

Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibits, marked as Exhibit R-2. Copies of these Exhibits have previously been provided to the Personal Representative. [Documents presented to Tribunal]

PRESIDENT: Recorder, please read the unclassified summary of evidence for the record. But before you proceed, Khalid Sheikh Muhammad, let me remind you that you must not comment on this evidence at this time. You will be provided with an opportunity shortly to provide any comments that you would like. Recorder, please proceed.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant:

Paragraph a. On the morning of 11 September 2001, four airliners traveling over the United States were hijacked. The flights hijacked were: American Airlines Flight 11, United Airlines Flight 175, American Airlines Flight 77, and United Airlines Flight 93. At approximately 8:46 a.m., American Airlines Flight 11 crashed into the North Tower of the World Trade Center, resulting in the collapse of the tower at approximately 10:25 a.m. At approximately 9:05 a.m., United Airlines Flight 175 crashed into the South Tower of the World Trade Center, resulting in the collapse of the tower at approximately 9:55 a.m. At approximately 9:37 a.m., American Airlines Flight 77 crashed into the southwest side of the Pentagon in Arlington, Virginia. At approximately 10:03 a.m., United Airlines Flight 93 crashed in Stoney Creek Township, Pennsylvania. These crashes and subsequent damage to the World Trade Center and the Pentagon resulted in the deaths of 2,972 persons in New York, Virginia, and Pennsylvania.

Paragraph b. The Detainee served as the head of the al Qaida military committee and was Usama bin Laden's principal al Qaida operative who directed the 11 September 2001 attacks in the United States.

Paragraph c. In an interview with an al Jazeera reporter in June 2002, the Detainee stated he was the head of the al Qaida military committee.

Paragraph d. A computer hard drive seized during the capture of the Detainee contained information about the four airplanes hijacked on 11 September 2001 including code names, airline company, flight number, target, pilot name and background information, and names of the hijackers.

Paragraph e. A computer hard drive seized during the capture of the Detainee contained photographs of 19 individuals identified as the 11 September 2001 hijackers.

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Paragraph f. A computer hard drive seized during the capture of the Detainee contained a document that listed the pilot license fees for Mohammad Atta and biographies for some of the 11 September 2001 hijackers.

Paragraph g. A computer hard drive seized during the capture of the Detainee contained images of passports and an image of Mohammad Atta.

Paragraph h. A computer hard drive seized during the capture of the Detainee contained transcripts of chat sessions belonging to at least one of the 11 September 2001 hijackers.

Paragraph i. The Detainee directed an individual to travel to the United States to case targets for a second wave of attacks.

Paragraph j. A computer hard drive seized during the capture of the Detainee contained three letters from Usama bin Laden.

Paragraph k. A computer hard drive seized during the capture of the Detainee contained spreadsheets that describe money assistance to families of known al Qaida members.

Paragraph l. The Detainee's name was on a list in a computer seized in connection with a threat to United States airlines, United States embassies and the Pope.

Paragraph m. The Detainee wrote the *bojinka plot*, the airline bomb plot which was later found on his nephew Ramzi Yousef's computer.

Paragraph n. The *bojinka plot* is also known as the Manila air investigation.

Paragraph o. The Manila air investigation uncovered the Detainee conspired with others to plant explosive devices aboard American jetliners while those aircraft were scheduled to be airborne and loaded with passengers on their way to the United States.

Paragraph p. The Detainee was in charge of and funded an attack against United States military vessels heading to the port of Djibouti.

Paragraph q. A computer hard drive seized during the capture of the Detainee contained a letter to the United Arab Emirates threatening attack if their government continued to help the United States.

Paragraph r. During the capture of the Detainee, information used exclusively by al Qaida operational managers to communicate with operatives was found.

Paragraph s. The Detainee received funds from Kuwaiti-based Islamic extremist groups and delivered the funds to al Qaida members.

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Paragraph t. A computer hard drive seized during the capture of the Detainee contained a document that summarized operational procedures and training requirements of an al Qaida cell.

Paragraph u. A computer hard drive seized during the capture of the Detainee contained a list of killed and wounded al Qaida martyrs.

And lastly, Paragraph v. Passport photographs of al Qaida operatives were seized during the capture of the Detainee.

RECORDER: Sir, this concludes the summary of unclassified evidence.

PRESIDENT: Very well.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL

REPRESENTATIVE: Yes, sir. I am handing to the Tribunal the following unclassified exhibits marked as Exhibits D-b through D-d. Copies of these exhibits have been previously provided to the Recorder. [Documents presented to Tribunal]

PRESIDENT: Exhibit D-b appears to be a statement that the Detainee has provided.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And Exhibit D-c contains hand written notes that appear to be Arabic and English as well as the typed version of that. Is that correct?

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. And D-d is a written statement regarding alleged abuse or treatment that the Detainee received.

PERSONAL

REPRESENTATIVE: Yes, Sir.

PRESIDENT: Alright. We will go into those shortly.

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PRESIDENT: Khalid Sheikh Muhammad, you may now make an oral statement to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you wish to make an oral statement to this Tribunal?

DETAINEE: He will start, the Personal Representative; PR will read then later I will comment.

PRESIDENT: Very well, you may proceed.

RECORDER: Sir, would you hold one moment?

PRESIDENT: Yes.

RECORDER: Ah, before the Detainee makes a statement, ah, I'd like to ah.

PRESIDENT: Question of the oath?

RECORDER: Ah, no sir.

RECORDER: Concerning classified evidence.

PRESIDENT: Very well.

PRESIDENT: Do you have any further evidence to present at this time, Recorder?

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal but I respectfully request a closed Tribunal session at an appropriate time to present classified evidence relevant to this Detainee's status as an enemy combatant.

PRESIDENT: Very well, your request for a closed session is granted and will be taken up in due course.

PRESIDENT: You may proceed, PR.

PERSONAL

REPRESENTATIVE: The Detainee responds to the unclassified summary of evidence with the following key points.

PERSONAL

REPRESENTATIVE: "Some paragraphs under paragraph number 3, lead sentence are not related to the context or meaning of the aforementioned lead sentence. For example, paragraph 3-a is only information from news or a historical account of events on 11 September 2001, and note with no specific linkage being made in this

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paragraph to me or the definition of Enemy Combatant. As another example, sub-paragraph 3-n makes no linkage to me or to the definition of Enemy Combatant.”

DETAINEE: Are they following along?

PERSONAL

REPRESENTATIVE: Ah, they they have that in front of them for reference.

PRESIDENT: Yes.

DETAINEE: Okay.

PERSONAL

REPRESENTATIVE: Second main point; “There are two false statements in the Summary of Evidence. Sub-paragraph 3-c is false. I never stated to the Al Jazeera reporter that I was the head of the al Qaida military committee. Also, sub-paragraph 3-s is false. I did not receive any funds from Kuwait.”

PERSONAL

REPRESENTATIVE: Point number 3. “There is an unfair ‘stacking of evidence’ in the way the Summary of Evidence is structured. In other words, there are several sub-paragraphs under parent-paragraph 3 which should be combined into one sub-paragraph to avoid creating the false perception that there are more allegations or statements against me specifically than there actually are. For example, sub-paragraphs 3-m through 3-o, which pertain to the *bojinka* plot should be combined into one paragraph, as should paragraphs 3-a through 3-h, which pertain to 9/11.”

PERSONAL

REPRESENTATIVE: Lastly, my name is misspelled in the Summary of Evidence. It should be S-h-a-i-k-h or S-h-e-i-k-h, but not S-h-a-y-k-h, as it is in the subject line.

PRESIDENT: Would you like to add anything to that, Khalid Sheikh Muhammad ?

PERSONAL

REPRESENTATIVE: Final statement.

DETAINEE: No, I just want to ask about witnesses.

PRESIDENT: Okay, ah, let’s finish with these then I will get to the witnesses.

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DETAINEE: Okay.

PRESIDENT: Try to keep it in order.

PRESIDENT: You want to continue, PR? Do you have have another statement?

PERSONAL

REPRESENTATIVE: That concludes this Detainee's response to the, ah, unclassified summary of evidence, sir.

PRESIDENT: Oh.

CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Detainee if present, the Personal Representative, the Recorder, and the Tribunal Members.

PRESIDENT: Does the Recorder have any witnesses to present?

RECORDER: No, sir.

PRESIDENT: Alright.

PRESIDENT: From the Detainee Election Form and I was informed earlier that the Detainee requested the presence of two witnesses to testify here today. Ramzi bin al-Shibh and Mustafa Hawsawi. The Detainee believes the witnesses can provide testimony related to the Detainee's actions specified in the unclassified summary of the evidence.

PRESIDENT: I have had the opportunity to review the request for witnesses and I have made some findings and I'm going to place them on the record now and when I conclude that, Khalid Sheikh Muhammad, you may respond to that if you'd like.

PRESIDENT: First the request for Ramzi bin al-Shibh, the proffer of the testimony from the Detainee was that Ramzi is alleged to have been present during the al Jazeera interview in June 2002 during which it is said the Detainee claimed to be head of al Qaida Military Committee. The Detainee claims he never stated that, to be the head of the Military Committee, during the interview and states that Ramzi, if called, can confirm this.

PRESIDENT: This witness is not relevant in the President's view for the following reasons. In the totality of the circumstances and given the nature and quality of the other unclassified evidence, the Detainee's alleged statements as reported in al Jazeera

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are of limited value and negligible relevancy to the issue of combatant status. As such, any corroboration or contradiction by the proffered witness is not relevant. The creditability determinations with regard to R-2, which is the al Jazeera article, can be made by the Tribunal without the proffered testimony. As such, the Detainee's request for the production of that witness is denied.

PRESIDENT: As to the request for Mustafa Hawsawi, ah, it is proffered that Hawsawi, if called, could testify that the computer/hard drive referenced in the unclassified summary was not this Detainee's property and that the place of the Detainee's capture was not the house of the Detainee. In the President's view this testimony is not relevant to the issues regarding the Detainee's capture or his combatant status for the following reasons.

PRESIDENT: Whether the Detainee had actual legal title or ownership of the computer/hard drive or the house where the capture took place is irrelevant to the determination of the Detainee's status as an enemy combatant. Based on the proffer, if true, Hawsawi's testimony will not provide relevant information. The issue of ownership, while of some interest, is not relevant to status. What is relevant is possession, usage, connection and presence. Hawsawi's testimony will not speak to any relevant information in regard to such points. As such, the request for the production of that witness is denied.

PRESIDENT: If you would like to respond to that, I'll hear you.

DETAINEE: Most of these facts which be written are related to this hard drive. And more than eleven of these facts are related to this computer. Other things are which is very old even nobody can bring any witnesses for that as you written here if it will be ah a value for you for the witness near by you will do it. This computer is not for me. Is for Hawsawi himself. So I'm saying I need Hawsawi because me and him we both been arrested day. Same way. So this computer is from him long time. And also the problem we are not in court and we are not judge and he is not my lawyer but the procedure has been written reported and the way has mostly as certain charged against me; tell him, [Arabic Phrase].

TRANSLATOR: [Translating] They are only accusations.

DETAINEE: So accusations. And the accusations, they are as you put for yourself ah definition for enemy combatant there are also many definitions for that accusation of fact or charges that has been written for any ah. [Arabic Phrase]

TRANSLATOR: [Translating] Person is accused.

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DETAINEE: So, if I been accused then if you want to put facts against me also the definition for these facts. If you now read number N now what is written the *bojinka* plot. Is known many lead investigation it is not related to anything facts to be against me. So when I said computer hard drive/ hard disk, same thing. All these point only one witness he can say yes or not cause he is this computer is under his possession him computer. And also specifically if he said Mohammad Atta picture been this hard drive. I don't think this should accepted. There are many 100 thousand Americans who have a lot of picture on their computer. You cannot say I find Muhammad Atta on your computer then you use this fact against you. Or you find any files in your computer to be what about it's mine, it's not my computer. If this witness, he will state that this known and here that has been ninety percent of what is written is wrong. And for Ramzi, for reporter in Jazeera, he claimed that I state this one and you know the media man. How they are fashionable. What they mean in their own way in a whole different way. They just wrote it so he say I state. But I never stated and I don't have any witnesses and witness are available here at Guantanamo. He is Detainee. He was with me. Which he been mostly in all my interview with him. Me and them, there was three person, me and Ramzi and this reporter. So if you not believe me, not believe him, believe my witness Ramzi. Then he's what he state the reporter most is false. I not denying that I'm not an enemy combatant about this war but I'm denying the report. It not being written in the proper way. Which is really facts and mostly just being gathered many information. General information that form in way of doing, to use in facts against me.

PRESIDENT: I have heard and understood your argument. In order for me to make my determinations regarding the production of witnesses I first have to believe that they are relevant for the reasons that I have stated. For the reasons I have stated, I do not believe they are relevant. Whether or not they may be available here on Guantanamo, is a second decision to be made, but only if I decide they are relevant. I have heard your arguments. I noted them. However, my ruling stands.

PRESIDENT: The Recorder has no witnesses, is that my understanding?

RECORDER: No, sir.

PRESIDENT: And there are no other approved witnesses to taken up. Ah, we will take a brief moment to review the unclassified evidence that we received so far and then we will pick back up in the proceeding.

MEMBER: If I might ask a question real quick of the PR. This is the entire translation of the hand written notes?

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PERSONAL

REPRESENTATIVE: Yeah. The hand written notes are the Detainee is on yellow.

MEMBER: Yes.

PERSONAL

REPRESENTATIVE: and, then the next set of notes, hand written notes, are the Linguist's translation and then the final hard copy printed that's, ah, that...

MEMBER: Type written.

PERSONAL

REPRESENTATIVE: Typed from Linguist's notes.

MEMBER: Type from Linguist's translations. Okay.

PRESIDENT: Khalid Sheikh Muhammad, I did not offer you an oath early because I was informed by the Personal Representative that you would be making some statement later on in these proceedings relevant to the truthfulness of your comments. So, if you would like to take an oath I would administer one to you but I did understand that you going to make a statement.

DETAINEE: In the final statement, I will explain why then.

PRESIDENT: Alright. Thank you. [Tribunal pauses to review D-a thru D-d]

MEMBER: Seen those.

TRANSLATOR: Sir.

PRESIDENT: Yes.

TRANSLATOR: He wanted me to translate a Koranic verse on the spot.

PRESIDENT: I will permit it.

TRANSLATOR: Thank you.

TRANSLATOR: Can I ask him for clarification?

PRESIDENT: Yes.

PRESIDENT: Do you need a few more moments, Translator?

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TRANSLATOR: Yes, sir, about thirty seconds.

PRESIDENT: Go ahead and take your time.

TRANSLATOR: Would you me to read the English translation after he read Arabic verse or would like him to read it.

PRESIDENT: You want to save that for later?

TRANSLATOR: [Nods head]

PRESIDENT: Alright.

PRESIDENT: Let me take up a few things that have come up as based on my review of these documents that have been provided to us so far. D-d, appears to be a written statement regarding certain treatment that you claim to have received at the hands of agents of the United States government as you indicated from the time of your capture in 2003 up until before coming here to Guantanamo in September 2006.

PRESIDENT: Is that correct?

DETAINEE: Yes.

PRESIDENT: Alright.

PRESIDENT: Now, I haven't seen any statements in the evidence we receive so far that claim to come from you other than acknowledging whether you were or not the head of the Military Committee. Were any statements that you made as the result of any of the treatment that you received during that time frame from 2003 to 2006? Did you make those statements because of the treatment you receive from these people?

DETAINEE: Statement for whom?

PRESIDENT: To any of these interrogators.

DETAINEE: CIA peoples. Yes. At the beginning when they transferred me [REDACTED].

PRESIDENT: What I'm trying to get at is any statement that you made was it because of this treatment, to use your word, you claim torture. Do you make any statements because of that?

TRANSLATOR: Sir, for clarification.

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PRESIDENT: Can you translate it?

TRANSLATOR: I will translate in Arabic.

PRESIDENT: Yes.

TRANSLATOR: [Translating above]

DETAINEE: I ah cannot remember now [REDACTED] I'm senior man. Many people they know me which I don't them. I ask him even if he knew George Bush. He said, yes I do. He don't know you that not means its false. [REDACTED]. I said yes or not. This I said.

PRESIDENT: Alright, I understand.

PRESIDENT: Is there anything you would like to correct, amend, modify or explain to us from what you said back then?

DETAINEE: I want to just it is not related enemy combatant but I'm saying for you to be careful with people. That you have classified and unclassified facts. My opinion to be fair with people. Because when I say, I will not regret when I say I'm enemy combatant. I did or not I know there are other but there are many Detainees which you receive classified against them maybe, maybe not take away from me for many Detainees false witnesses. This only advice.

PRESIDENT: So you are aware that other...

DETAINEE: Yes.

PRESIDENT: People made false statement as a result of this?

DETAINEE: I did also.

PRESIDENT: Uh huh.

DETAINEE: I told him, I know him yes. There are and they are. Not even you show me. This I don't know him I never met him at all. So, unclassified which is both classified and unclassified so this is you know him you don't know him. You have to be fair with people. There are many many people which they have never been part of the Taliban. Afghanistan there have been many people arrested for example people who have been arrested after October 2001 after make attack against Afghanistan many of them just arrive after they don't what has happen. When Russian came to Afghanistan they felt they went back but they did anything with Taliban and al Qaida then came after that. I don't know why it was younger

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people same thing for Afghanis people they show Afghanis people. I will give example one. His name is Sayed Habib. This I remember. [REDACTED]

PRESIDENT: Alright.

PRESIDENT: Now what.

DETAINEE: For me nothing which was recorded. For which is written here is not related

PRESIDENT: I understand.

PRESIDENT: I do note that in one of the exhibits you indicate you are not under any pressure or duress today. Is that correct?

DETAINEE: That is about I'm hearing today. Yes.

PRESIDENT: So anything.

DETAINEE: Some of this information, I not state it to them.

PRESIDENT: The information that you are telling us today, so we are clear. You do not believe you are under any pressure or threat or duress to speak to us today, is that correct?

DETAINEE: Yes, that's correct.

PRESIDENT: Alright.

PRESIDENT: Now what you have told us about your previous treatment is on the record of these proceeding now and will be reported for any investigation that may be appropriate. Also, we will consider what you have told us in making our determination regarding your enemy combatant status.

DETAINEE: I hope you will take care of other Detainees with what I said. It's up to you.

PRESIDENT: I will do as I've said. I'll see to it that it is reported.

PRESIDENT: Alright. At this point, we are going to go into the final statement but I do want to give the opportunity to the Recorder, PR, and Tribunal member to ask questions if they would like. So, what will do is proceed then to the Detainee's final statement and then I'll have a question and answer session following that. Alright just give me a moment.

PRESIDENT: Alright.

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PRESIDENT: Khalid Sheikh Muhammad, this concludes the presentation of unclassified information to the Tribunal. We are about to conclude the unclassified portion of the hearing. Do you wish to now make any final statement to the Tribunal? You have the assistance of your PR.

DETAINEE: I make a two part. Maybe he will read then I will go also.

PRESIDENT: Very well. You may continue.

PERSONAL

REPRESENTATIVE: Mr. President, the Detainee has asked me to read his final statement to the Tribunal with the understanding he may interject or add statements if he needs to, to correct what I say. According to the Detainee:

“I hereby admit and affirm without duress to the following:

1. I swore Bay’aat (i.e., allegiance) to Sheikh Usama Bin Laden to conduct Jihad of self and money, and also Hijrah (i.e., expatriation to any location in the world where Jihad is required).
2. I was a member of the Al Qaida Council.
3. I was the Media Operations Director for Al-Sahab, or ‘The Clouds,’ under Dr. Ayman Al-Zawahiri. Al-Sahab is the media outlet that provided Al-Qaida-sponsored information to Al Jazeera. Four.”

DETAINEE: [speaking inaudibly to Personal Representative]

PRESIDENT: Please tell.

PERSONAL

REPRESENTATIVE: In other channels or other media outlets.

PRESIDENT: Thank you.

PERSONAL

REPRESENTATIVE: [continuing] “4. I was the Operational Director for Sheikh Usama Bin Laden for the organizing, planning, follow-up, and execution of the 9/11 Operation under the Military Commander, Sheikh Abu Hafs Al-Masri Subhi Abu Sittah.

5. I was the Military Operational Commander for all foreign operations around the world under the direction of Sheikh Usama Bin Laden and Dr. Ayman Al-Zawahiri.
6. I was directly in charge, after the death of Sheikh Abu Hafs Al-Masri Subhi Abu Sittah, of managing and following up on the Cell for the Production of Biological Weapons, such as anthrax and others, and following up on Dirty Bomb Operations on American soil.
7. I was Emir (i.e., commander) of Beit Al Shuhada (i.e., the Martyrs’ House) in the state of Kandahar, Afghanistan, which housed the 9/11 hijackers. There I was responsible for their

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training and readiness for the execution of the 9/11 Operation. Also, I hereby admit and affirm without duress that I was a responsible participant, principal planner, trainer, financier (via the Military Council Treasury), executor, and/or a personal participant in the following:

1. I was responsible for the 1993 World Trade Center Operation.
2. I was responsible for the 9/11 Operation, from A to Z.
3. I decapitated with my blessed right hand the head of the American Jew, Daniel Pearl, in the city of Karachi, Pakistan. For those who would like to confirm, there are pictures of me on the Internet holding his head.
4. I was responsible for the Shoe Bomber Operation to down two American airplanes.
5. I was responsible for the Filka Island Operation in Kuwait that killed two American soldiers.
6. I was responsible for the bombing of a nightclub in Bali, Indonesia, which was frequented by British and Australian nationals.
7. I was responsible for planning, training, surveying, and financing the New (or Second) Wave attacks against the following skyscrapers after 9/11:
 - a. Library Tower, California.
 - b. Sears Tower, Chicago,
 - c. Plaza Bank, Washington state.
 - d. The Empire State Building, New York City.
8. I was responsible for planning, financing, & follow-up of Operations to destroy American military vessels and oil tankers in the Straights of Hormuz, the Straights of Gibraltar, and the Port of Singapore.
9. I was responsible for planning, training, surveying, and financing for the Operation to bomb and destroy the Panama Canal.
10. I was responsible for surveying and financing for the assassination of several former American Presidents, including President Carter.
11. I was responsible for surveying, planning, and financing for the bombing of suspension bridges in New York.
12. I was responsible for planning to destroy the Sears Tower by burning a few fuel or oil tanker trucks beneath it or around it.
13. I was responsible for planning, surveying, and financing for the operation to destroy Heathrow Airport, the Canary Wharf Building, and Big Ben on British soil.
14. I was responsible for planning, surveying, and financing for the destruction of many night clubs frequented by American and British citizens on Thailand soil.
15. I was responsible for surveying and financing for the destruction of the New York Stock Exchange and other financial targets after 9/11.
16. I was responsible for planning, financing, and surveying for the destruction of buildings in the Israeli city of Elat by using airplanes leaving from Saudi Arabia.
17. I was responsible for planning, surveying, and financing for the destruction of American embassies in Indonesia, Australia, and Japan.

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18. I was responsible for surveying and financing for the destruction of the Israeli embassy in India, Azerbaijan, the Philippines, and Australia.
19. I was responsible for surveying and financing for the destruction of an Israeli 'El-Al' Airlines flight on Thailand soil departing from Bangkok Airport.
20. I was responsible for sending several Mujahadeen into Israel to conduct surveillance to hit several strategic targets deep in Israel.
21. I was responsible for the bombing of the hotel in Mombasa that is frequented by Jewish travelers via El-Al airlines.
22. I was responsible for launching a Russian-made SA-7 surface-to-air missile on El-Al or other Jewish airliner departing from Mombasa.
23. I was responsible for planning and surveying to hit American targets in South Korea, such as American military bases and a few night clubs frequented by American soldiers.
24. I was responsible for financial, excuse me, I was responsible for providing financial support to hit American, Jewish, and British targets in Turkey.
25. I was responsible for surveillance needed to hit nuclear power plants that generate electricity in several U.S. states.
26. I was responsible for planning, surveying, and financing to hit NATO Headquarters in Europe.
27. I was responsible for the planning and surveying needed to execute the Bojinka Operation, which was designed to down twelve American airplanes full of passengers. I personally monitored a round-trip, Manila-to-Seoul, Pan Am flight.
28. I was responsible for the assassination attempt against President Clinton during his visit to the Philippines in 1994 or 1995.
29. I was responsible for the assassination attempt against Pope John Paul the second while he was visiting the Philippines."

DETAINEE: I was not responsible, but share.

PERSONAL

REPRESENTATIVE: I shared responsibility. I will restate number twenty nine.

29. "I shared responsibility for the assassination attempt against Pope John Paul the second while he was visiting the Philippines.
30. I was responsible for the training and financing for the assassination of Pakistan's President Musharaf.
31. I was responsible for the attempt to destroy an American oil company owned by the Jewish former Secretary of State, Henry Kissinger, on the Island of Sumatra, Indonesia."

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PERSONAL

REPRESENTATIVE: Sir, that concludes the written portion of the Detainee's final statement and as he has alluded to earlier he has some additional comments he would like to make.

PRESIDENT: Alright. Before you proceed, Khalid Sheikh Muhammad, the statement that was just read by the Personal Representative, were those your words?

BEGIN DETAINEE ORAL STATEMENT

DETAINEE: Yes. And I want to add some of this one just for some verification. It like some operations before I join al Qaida. Before I remember al Qaida which is related to *Bojinka Operation* I went to destination involve to us in 94, 95. Some Operations which means out of al Qaida. It's like beheading Daniel Pearl. It's not related to al Qaida. It was shared in Pakistani. Other group, Mujahadeen. The story of Daniel Pearl, because he stated for the Pakistanis, group that he was working with the both. His mission was in Pakistan to track about Richard Reed trip to Israel. Richard Reed, do you have trip? You send it Israel to make set for targets in Israel. His mission in Pakistan from Israeli intelligence, Mosad, to make interview to ask about when he was there. Also, he mention to them he was both. He have relation with CIA people and were the Mosad. But he was not related to al Qaida at all or UBL. It is related to the Pakistan Mujahadeen group. Other operations mostly are some word I'm not accurate in saying. I'm responsible but if you read the heading history. The line there [Indicating to Personal Representative a place or Exhibit D-c].

PERSONAL

REPRESENTATIVE: [Reading] "Also, hereby admit and affirm without duress that I was a responsible participant, principle planner, trainer, financier."

DETAINEE: For this is not necessary as I responsible, responsible. But with in these things responsible participant in finances.

PRESIDENT: I understand. I want to be clear, though, is you that were the author of that document.

DETAINEE: That's right.

PRESIDENT: That it is true?

DETAINEE: That's true.

PRESIDENT: Alright. You may continue with your statement.

DETAINEE: Okay. I start in Arabic.

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PRESIDENT: Please.

DETAINEE

(through translator): In the name of God the most compassionate, the most merciful, and if any fail to retaliation by way of charity and. I apologize. I will start again. And if any fail to judge by the light of Allah has revealed, they are no better than wrong doers, unbelievers, and the unjust.

DETAINEE: For this verse, I not take the oath. Take an oath is a part of your Tribunal and I'll not accept it. To be or accept the Tribunal as to be, I'll accept it. That I'm accepting American constitution, American law or whatever you are doing here. This is why religiously I cannot accept anything you do. Just to explain for this one, does not mean I'm not saying that I'm lying. When I not take oath does not mean I'm lying. You know very well peoples take oath and they will lie. You know the President he did this before he just makes his oath and he lied. So sometimes when I'm not making oath does not mean I'm lying.

PRESIDENT: I understand.

DETAINEE: Second thing. When I wrote this thing, I mean, the PR he told me that President may stop you at anytime and he don't like big mouth nor you to talk too much. To be within subject. So, I will try to be within the enemy combatant subject

PRESIDENT: You can say whatever you'd like to say so long as it's relevant to what we are discussing here today.

DETAINEE: Okay, thanks.

DETAINEE: What I wrote here, is not I'm making myself hero, when I said I was responsible for this or that. But your are military man. You know very well there are language for any war. So, there are, we are when I admitting these things I'm not saying I'm not did it. I did it but this the language of any war. If America they want to invade Iraq they will not send for Saddam roses or kisses they send for a bombardment. This is the best way if I want. If I'm fighting for anybody admit to them I'm American enemies. For sure, I'm American enemies. Usama bin Laden, he did his best press conference in American media. Mr. John Miller he been there when he made declaration against Jihad, against America. And he said it is not no need for me now to make explanation of what he said but mostly he said about American military presence in Arabian peninsula and aiding Israel and many things. So when we made any war against America we are jackals fighting in the nights. I consider myself, for what you are doing, a religious thing as you

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consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing same thing. As consider George Washington as hero. Muslims many of them are considering Usama bin Laden. He is doing same thing. He is just fighting. He needs his independence. Even we think that, or not me only. Many Muslims, that al Qaida or Taliban they are doing. They have been oppressed by America. This is the feeling of the prophet. So when we say we are enemy combatant, that right. We are. But I'm asking you again to be fair with many Detainees which are not enemy combatant. Because many of them have been unjustly arrested. Many, not one or two or three. Cause the definition you which wrote even from my view it is not fair. Because if I was in the first Jihad times Russia. So I have to be Russian enemy. But America supported me in this because I'm their alliances when I was fighting Russia. Same job I'm doing. I'm fighting. I was fighting there Russia now I'm fighting America. So, many people who been in Afghanistan never live. Afghanistan stay in but they not share Taliban or al Qaida. They been Russian time and they cannot go back to their home with their corrupted government. They stayed there and when America invaded Afghanistan parliament. They had been arrest. They never have been with Taliban or the others. So many people consider them as enemy but they are not. Because definitions are very wide definition so people they came after October of 2002, 2001. When America invaded Afghanistan, they just arrive in Afghanistan cause the hear there enemy. They don't know what it means al Qaida or Usama bin Laden or Taliban. They don't care about these things. They heard they were enemy in Afghanistan they just arrived. As they heard first time Russian invade Afghanistan. They arrive they fought when back than they came. They don't know what's going on and Taliban they been head of government. You consider me even Taliban even the president of whole government. Many people they join Taliban because they are the government. When Karzai they came they join Karzai when come they join whatever public they don't know what is going on. So, many Taliban fight even the be fighters because they just because public. The government is Taliban then until now CIA don't have exactly definition well who is Taliban, who is al Qaida. Your Tribunal now are discussing he is enemy or not and that is one of your jobs. So this is why you find many Afghanis people, Pakistanis people even, they don't know what going on they just hear they are fighting and they help Muslim in Afghanistan. Then what. There are some infidels which they came here and they have to help them. But then there weren't any intend to do anything against America. Taliban themselves between Taliban they said Afghanistan which they never again against 9/11 operation. The rejection between senior of Taliban of what al Qaida are doing. Many of Taliban rejected what they are doing. Even many Taliban, they not agree about why we are in Afghanistan. Some of them they have been with us. Taliban never in their life at all before America invade them the intend to do anything against America. They never been with al Qaida. Does not mean we are

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here as American now. They gave political asylum for many countries. They gave for Chinese oppositions or a North Korean but that does not mean they are with them same thing many of Taliban. They harbor us as al Qaida does not mean we are together. So, this is why I'm asking you to be fair with Afghanis and Pakistanis and many Arabs which been in Afghanistan. Many of them been unjustly. The funny story they been Sunni government they sent some spies to assassinate UBL then we arrested them sent them to Afghanistan/Taliban. Taliban put them into prison. Americans they came and arrest them as enemy combatant. They brought them here. So, even if they are my enemy but not fair to be there with me. This is what I'm saying. The way of the war, you know, very well, any country waging war against their enemy the language of the war are killing. If man and woman they be together as a marriage that is up to the kids, children. But if you and me, two nations, will be together in war the others are victims. This is the way of the language. You know 40 million people were killed in World War One. Ten million kill in World War. You know that two million four hundred thousand be killed in the Korean War. So this language of the war. Any people who, when Usama bin Laden say I'm waging war because such such reason, now he declared it. But when you said I'm terrorist, I think it is deceiving peoples. Terrorists, enemy combatant. All these definitions as CIA you can make whatever you want. Now, you told me when I ask about the witnesses, I'm not convinced that this related to the matter. It is up to you. Maybe I'm convinced but your are head and he [gesturing to Personal Representative] is not responsible, the other, because your are head of the committee. So, finally it's your war but the problem is no definitions of many words. It would be widely definite that many people be oppressed. Because war, for sure, there will be victims. When I said I'm not happy that three thousand been killed in America. I feel sorry even. I don't like to kill children and the kids. Never Islam are, give me green light to kill peoples. Killing, as in the Christianity, Jews, and Islam, are prohibited. But there are exception of rule when you are killing people in Iraq. You said we have to do it. We don't like Saddam. But this is the way to deal with Saddam. Same thing you are saying. Same language you use, I use. When you are invading two-thirds of Mexican, you call your war manifest destiny. It up to you to call it what you want. But other side are calling you oppressors. If now George Washington. If now we were living in the Revolutionary War and George Washington he being arrested through Britain. For sure he, they would consider him enemy combatant. But American they consider him as hero. This right the any Revolutionary War they will be as George Washington or Britain. So we are considered American Army bases which we have from seventies in Iraq. Also, in the Saudi Arabian, Kuwait, Qatar, and Bahrain. This is kind of invasion, but I'm not here to convince you. Is not or not but mostly speech is ask you to be fair with people. I'm don't have anything to say that I'm not enemy. This is why the language of any war in the

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world is killing. I mean the language of the war is victims. I don't like to kill people. I feel very sorry they been killed kids in 9/11. What I will do? This is the language. Sometime I want to make great awakening between American to stop foreign policy in our land. I know American people are torturing us from seventies. [REDACTED] I know they talking about human rights. And I know it is against American Constitution, against American laws. But they said every law, they have exceptions, this is your bad luck you been part of the exception of our laws. They got have something to convince me but we are doing same language. But we are saying we have Sharia law, but we have Koran. What is enemy combatant in my language?

DETAINEE

(through translator): Allah forbids you not with regards to those who fight you not for your faith nor drive you out of your homes from dealing kindly and justly with them. For Allah love those who are just. There is one more sentence. Allah only forbids you with regards to those who fight you for your faith and drive you out of your homes and support others in driving you out from turning to them for friendship and protection. It is such as turn to them in these circumstances that do wrong.

DETAINEE:

So we are driving from whatever deed we do we ask about Koran or Hadith. We are not making up for us laws. When we need Fatwa from the religious we have to go back to see what they said scholar. To see what they said yes or not. Killing is prohibited in all what you call the people of the book, Jews, Judaism, Christianity, and Islam. You know the Ten Commandments very well. The Ten Commandments are shared between all of us. We all are serving one God. Then now kill you know it very well. But war language also we have language for the war. You have to kill. But you have to care if unintentionally or intentionally target if I have if I'm not at the Pentagon. I consider it is okay. If I target now when we target in USA we choose them military target, economical, and political. So, war central victims mostly means economical target. So if now American they know UBL. He is in this house they don't care about his kids and his. They will just bombard it. They will kill all of them and they did it. They kill wife of Dr. Ayman Zawahiri and his two daughters and his son in one bombardment. They receive a report that is his house be. He had not been there. They killed them. They arrested my kids intentionally. They are kids. They been arrested for four months they had been abused. So, for me I have patience. I know I'm not talk about what's come to me. The American have human right. So, enemy combatant itself, it flexible word. So I think God knows that many who been arrested, they been unjustly arrested. Otherwise, military throughout history know very well. They don't war will never stop. War start from Adam when Cain he killed Abel until now. It's never gonna stop killing of people. This is the

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way of the language. American start the Revolutionary War then they starts the Mexican then Spanish War then World War One, World War Two. You read the history. You know never stopping war. This is life. But if who is enemy combatant and who is not? Finally, I finish statement. I'm asking you to be fair with other people.

PRESIDENT: Does that conclude your statement, Khalid Sheikh Muhammad?

DETAINEE: Yes.

PRESIDENT: Alright.

DETAINEE QUESTION & ANSWER

PRESIDENT: Does the Personal Representative have any questions for the Detainee based on his statement?

PERSONAL
REPRESENTATIVE: No, Sir.

PRESIDENT: Does the Recorder have any questions for the Detainee?

RECORDER: No, Sir.

PRESIDENT: Do either of the Tribunal members wish to question the Detainee?

MEMBERS: No, sir. Nothing further Sir.

PRESIDENT: Alright.

CLOSING UNCLASSIFIED SESSION

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open tribunal session.

PRESIDENT: Khalid Sheikh Muhammad, you shall be notified of the Tribunal decision upon completion of the review of these proceed by the Combatant Status Review Tribunal convening authority in Washington, D.C. If, the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If however, the Tribunal determines your classification as an enemy combatant you may be eligible for an Administrative Review Board hearing at a future date.

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PRESIDENT: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its coalition partners in the ongoing armed conflict against terrorist organizations such as al Qaeda and its affiliates and supporters or whether there are other factors bearing upon the need for continued detention.

PRESIDENT: You will have the opportunity to be heard and to present relevant information to the Administrative Review Board. You can present information from your family and friends that might help you at that Board. You are encouraged to contact them as soon as possible to begin to gather information that may help you.

PRESIDENT: A military officer will be assigned at a later date to assist you in the Administrative Review Board process.

ADJOURN OPEN SESSION

PRESIDENT: The open session of this Tribunal hearing is adjourned.

RECORDER: The time is 2:43pm. The date is 10 March 2007.

RECORDER: All Rise.

[The Tribunal withdrew from the hearing room]

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony and English language translation of Detainee's words given during the open session of the Combatant Status Review Tribunal of ISN 10024.

[REDATED]
CAPT JAGC USN
Tribunal President

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The New York Times

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April 20, 2009

Waterboarding Used 266 Times on 2 Suspects

By [SCOTT SHANE](#)

[C.I.A. interrogators](#) used [waterboarding](#), the near-drowning technique that top Obama administration officials have described as illegal torture, 266 times on two key prisoners from [Al Qaeda](#), far more than had been previously reported.

The [C.I.A.](#) officers used waterboarding at least 83 times in August 2002 against [Abu Zubaydah](#), according to a 2005 Justice Department legal memorandum. Abu Zubaydah has been described as a Qaeda operative.

A former C.I.A. officer, John Kiriakou, told ABC News and other news media organizations in 2007 that Abu Zubaydah had undergone waterboarding for only 35 seconds before agreeing to tell everything he knew.

The 2005 memo also says that the C.I.A. used waterboarding 183 times in March 2003 against [Khalid Shaikh Mohammed](#), the self-described planner of the Sept. 11, 2001, terrorist attacks.

The New York Times reported in 2007 that Mr. Mohammed had been barraged more than 100 times with harsh [interrogation methods](#), causing C.I.A. officers to worry that they might have crossed legal limits and to halt his questioning. But the precise number and the exact nature of the interrogation method was not previously known.

The release of the numbers is likely to become part of the debate about the morality and efficacy of interrogation methods that the Justice Department

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under the Bush administration declared legal even though the United States had historically treated them as torture.

President Obama plans to visit C.I.A. headquarters Monday and make public remarks to employees, as well as meet privately with officials, an agency spokesman said Sunday night. It will be his first visit to the agency, whose use of harsh interrogation methods he often condemned during the presidential campaign and whose secret prisons he ordered closed on the second full day of his presidency.

C.I.A. officials had opposed the release of the interrogation memo, dated May 30, 2005, which was one of four secret legal memos on interrogation that Mr. Obama ordered to be released last Thursday.

Mr. Obama said C.I.A. officers who had used waterboarding and other harsh interrogation methods with the approval of the Justice Department would not be prosecuted. He has repeatedly suggested that he opposes Congressional proposals for a “truth commission” to examine Bush administration counterterrorism programs, including interrogation and warrantless eavesdropping.

The Senate Intelligence Committee has begun a yearlong, closed-door investigation of the C.I.A. interrogation program, in part to assess claims of Bush administration officials that brutal treatment, including slamming prisoners into walls, shackling them in standing positions for days and confining them in small boxes, was necessary to get information.

The fact that waterboarding was repeated so many times may raise questions about its effectiveness, as well as about assertions by Bush administration officials that their methods were used under strict guidelines.

A footnote to another 2005 Justice Department memo released Thursday said waterboarding was used both more frequently and with a greater volume of water than the C.I.A. rules permitted.

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The new information on the number of waterboarding episodes came out over the weekend when a number of bloggers, including Marcy Wheeler of the blog [emptywheel](#), discovered it in the May 30, 2005, memo.

The sentences in the memo containing that information appear to have been redacted from some copies but are visible in others. Initial news reports about the memos in The New York Times and other publications did not include the numbers.

[Michael V. Hayden](#), director of the C.I.A. for the last two years of the Bush administration, would not comment when asked on the program “Fox News Sunday” if Mr. Mohammed had been waterboarded 183 times. He said he believed that that information was still classified.

A C.I.A. spokesman, reached Sunday night, also would not comment on the new information.

Mr. Hayden said he had opposed the release of the memos, even though President Obama has said the techniques will never be used again, because they would tell Al Qaeda “the outer limits that any American would ever go in terms of interrogating an Al Qaeda terrorist.”

He also disputed an article in The New York Times on Saturday that said Abu Zubaydah had revealed nothing new after being waterboarded, saying that he believed that after unspecified “techniques” were used, Abu Zubaydah revealed information that led to the capture of another terrorist suspect, Ramzi Binalshibh.

The Times article, based on information from former intelligence officers who spoke on condition of anonymity, said Abu Zubaydah had revealed a great deal of information before harsh methods were used and after his captors stripped him of clothes, kept him in a cold cell and kept him awake at night. The article said interrogators at the secret prison in Thailand believed he had given up all the information he had, but officials at headquarters ordered them to use waterboarding.

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He revealed no new information after being waterboarded, the article said, a conclusion that appears to be supported by a footnote to a 2005 Justice Department memo saying the use of the harshest methods appeared to have been “unnecessary” in his case.

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